

EXHIBIT B

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ATTORNEYS FOR PLAINTIFFS

MIGUEL ORTEGA AND BENJAMIN ORTEGA

IN THE UNITED STATES DISTRICT COURT

NORTHERN DIVISION

MIGUEL ORTEGA, and BENJAMIN
ORTEGA,

Plaintiffs

vs.

CITY OF OAKLAND, et al.,

Defendants.

Case No.: C 07-02659 JCS (ADR)

DECLARATION OF EDUARDO ORTEGA

I, Eduardo Ortega, declare:

On May 7, 2006 I was with my cousin Miguel Ortega and several other persons. We were standing on the corner of International and 62nd Avenue in Oakland, California. We were returning from a Cinco de Mayo festival that had taken place on International Blvd. As I watched, my cousin Benjamin Ortega (age 15 at the time) began to cross International Blvd. toward us. He was crossing inside the crosswalk and was walking with the green "walk" signal for pedestrians. He was carrying a Mexican flag that he had brought for the holiday. As Benjamin crossed the street, a City of Oakland police car exited from a parking lot on the south side of International Blvd. and approached the crosswalk from the east in the eastbound lanes of International Blvd. The police car was traveling westbound, against the proper direction of traffic. The police car did not display any emergency lights or siren.

At that point, I heard the driver of the police car (later identified as Officer Alcantar) tell

1 Benjamin to "throw that flag away before I shove it up your ass." Benjamin asked the officer if he
2 could wait until he could put the flag in his house. Benjamin's brother, Miguel Ortega, said to the
3 officer that he should not speak to his brother that way. The second, fatter officer in the car (later
4 identified as Officer Ortiz) told Miguel "shut up, you fat ass." Miguel then called the fatter officer a "fat
5 ass".

6 At that point, our entire group walked to our other cousin's house located on the west side of
7 62nd Avenue (the first house after a vacant lot on the corner). The police car followed us slowly. When
8 we arrived in front of the house, the officers stopped and ordered all of us to get off the sidewalk and
9 onto our property. We went into the yard and closed the gate. Miguel went inside the house.

10 After a few minutes, several police cars arrived, including a black Excursion, and stopped in
11 front of the house. Officer Alcantar began to taunt Miguel, who was standing inside the screen door.
12 Officer Alcantar was asking Miguel "are you scared, bit mouth, now that the police are here?" "Is your
13 mother holding you back?" Miguel didn't say anything to the officer. Benjamin then said to the officer
14 "at least my momma cares about us; I don't know about your momma."

15 At that point all the police officers came into the yard. Officer Alcantar grabbed Benjamin by
16 the neck and struck him with the Officer's elbow. Benjamin was forced to the ground, and the Officer
17 placed his knee in Benjamin's back. Officer Alcantar handcuffed Benjamin. Benjamin was screaming in
18 pain.

19 Miguel opened the door and told Officer Alcantar to leave his brother alone. Three police
20 officers grabbed Miguel and forced him to the ground where he was handcuffed.

21 I was standing next to my car that was parked in the driveway of the house. Another Officer
22 (later identified as Officer Guerrero) approached me and asked for my drivers' license. I showed it to
23 him and he returned it to me. I asked him why the other officer was attacking a young boy. He had no
24 answer for me. I then asked him for the name of the attacking Officer (Alcantar).

25 Officer Alcantar and another Officer placed Benjamin and Miguel into the rear seat of Officer
26 Alcantar's police car, the Officer Alcantar approached where I was speaking with Officer Guerrero. I
27 asked Officer Alcantar his name. He stuck out his chest and pointed to his name tag and said "can't
28 you read?" I told him that he should be sued. He then returned to his car.

1 Officers Alcantar and Ortiz remained seated in their car, with Miguel and Benjamin handcuffed
2 in the back seat. The other officers left. I went back to the corner.

3 Miguel and Benjamin remained in the car for approximately 20-30 minutes. They were finally
4 released, and the Officers left.

5 I declare under penalty of perjury, under the laws of the State of California, that the foregoing is
6 true and correct. Executed on December 5, 2007 at Oakland, California.

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10 EDUARDO ORTEGA
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